

Express Mail No. **EL587863972US**  
Date of Deposit: March 6, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to **BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231**.

Dated: 3/6/02

By: Cynthia Wilson

Patent  
Attorney's Docket No. P-022-RC1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
J. Kevin Judice, et al. ) Group Art Unit: Unassigned  
Application No.: Unassigned ) Examiner: Unassigned  
Continuation of U.S. Serial No. 09/470,209 )  
Filed: On Even Date Herewith )  
For: GLYCOPEPTIDE DERIVATIVES AND )  
PHARMACEUTICAL COMPOSITIONS )  
CONTAINING THE SAME )

**PRELIMINARY AMENDMENT**

**BOX PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

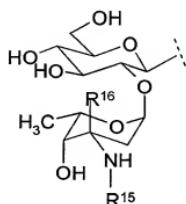
Prior to examination of this patent application on the merits, entry of the following amendments is respectfully requested:

In the Specification:

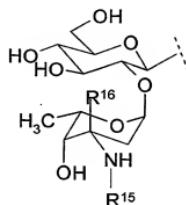
Please replace the paragraph on page 1, lines 4-8, with the following paragraph:

—This application is a continuation of U.S. Serial No. 09/470,209, filed December 22, 1999, which application claims the benefit of U.S. Serial No. 60/113,728, filed December 23, 1998; U.S. Serial No. 60/129,313, filed April 14, 1999; U.S. Serial No. 60/164,024, filed November 4, 1999; and U.S. Serial No. 60/169,978, filed December 10, 1999; the disclosures of which are incorporated herein by reference in their entirety.—

Please replace the formula on page 11, after line 20, with the following formula:



Please replace the formula on page 16, after line 3, with the following formula:

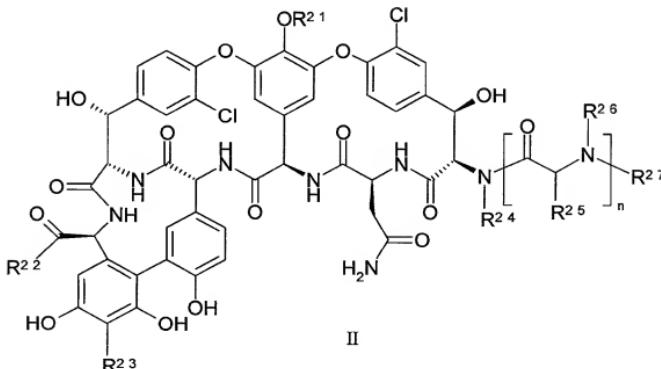


In the Claims:

Please cancel Claim 1-71 without prejudice or disclaimer.

Please add Claims 72-81 as follows:

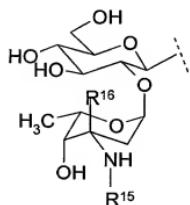
--72. (Newly Added) A compound of formula II:



II

wherein

$\text{R}^{21}$  is a group of the formula:



R<sup>15</sup> is -R<sup>a</sup>-Y-R<sup>b</sup>-(Z)<sub>x</sub>;

R<sup>16</sup> is hydrogen or methyl;

R<sup>22</sup> is -OH;

R<sup>23</sup> is hydrogen;

R<sup>24</sup> is hydrogen;

R<sup>25</sup> is isobutyl;

R<sup>26</sup> is hydrogen or methyl;

R<sup>27</sup> is hydrogen or -CH<sub>2</sub>COOH;

R<sup>a</sup> is -CH<sub>2</sub>CH<sub>2</sub>-; -CH<sub>2</sub>CH<sub>2</sub>CH<sub>2</sub>- or -CH<sub>2</sub>CH<sub>2</sub>CH<sub>2</sub>CH<sub>2</sub>-;

R<sup>b</sup> is alkylene having from 8 to 12 carbon atoms;

Y is -NH-;

Z is hydrogen

n is 1;

x is 1;

and pharmaceutically acceptable salts, stereoisomers and prodrugs thereof.

73. (Newly Added) The compound of Claim 72, wherein R<sup>16</sup> is methyl.

74. (Newly Added) The compound of Claim 72, wherein R<sup>26</sup> is methyl.

75. (Newly Added) The compound of Claim 72, wherein R<sup>27</sup> is hydrogen.

76. (Newly Added) The compound of Claim 72, wherein R<sup>a</sup> is -CH<sub>2</sub>CH<sub>2</sub>-.

77. (Newly Added) The compound of Claim 72, wherein R<sup>b</sup> and Z form an *n*-octyl, *n*-nonyl, *n*-decyl, *n*-undecyl or *n*-dodecyl group.

78. (Newly Added) The compound of Claim 72, wherein R<sup>b</sup> and Z form an *n*-decyl group.

79. (Newly Added) The compound of Claim 72, wherein R<sup>15</sup> is  
-CH<sub>2</sub>CH<sub>2</sub>-NH-(CH<sub>2</sub>)<sub>10</sub>-H.

80. (Newly Added) A pharmaceutical composition comprising a compound of any of Claims 72-79 and a pharmaceutically acceptable carrier.

81. (Newly Added) A method of inhibiting the growth of bacteria in a mammal infected with or exposed to bacteria, the method comprising administering to the mammal a composition according to Claim 80 for a time and under conditions effective to inhibit growth of bacteria.--

**R E M A R K S**

Prior to examination of this application on the merits, Applicants respectfully request entry of the above amendments and consideration of the following remarks.

**1. Summary of the Amendments**

Applicants have amended the specification on page 1, lines 4-8 to recite that this application is a continuation of U.S. Serial No. 09/470,209, filed December 22, 1999.

Applicants have also amended the specification to correct an obvious and inadvertent typographical error, i.e., an extra oxygen atom has been deleted from the anomeric carbon atom of the disaccharide structure on pages 11 and 16 since this oxygen atom is already present in the parent structure (see formula I or II).

Claims 1-71 have been deleted without prejudice or disclaimer. Applicants specifically reserve the right to file a continuation application directed to the subject matter of these claims during the pendency of this application.

Claims 72-81 have been added. Support for Claims 72-79 is found, for example, on page 5, line 13 to page 6, line 13; page 13, line 8 to page 17, line 8; and Claims 3-6, 26-31 and 33 as originally filed.

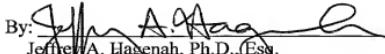
Entry of these amendments is respectfully requested.

Pursuant to 37 C.F.R. §1.121(c), a marked-up version of these amendments is shown on the Attachment submitted herewith.

Early examination of this application on the merits is respectfully requested. Should there be any questions concerning this preliminary amendment, the Examiner is encouraged to contact the undersigned Attorney at (650) 808-6406.

Respectfully submitted,  
ADVANCED MEDICINE, INC.

Date: March 6, 2002

By:   
Jeffrey A. Hagenah, Ph.D., Esq.  
Registration No. 35,175  
(650) 808-6406

ADVANCED MEDICINE, INC.  
901 Gateway Blvd.  
South San Francisco, CA 94080  
Telephone: (650) 808-6000  
Fax: (650) 808-6078

ATTACHMENT

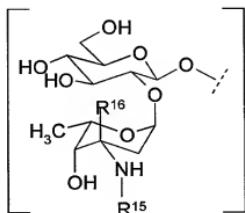
**Version of the Amended Claims with Markings to Show Changes Made**

**In the Specification:**

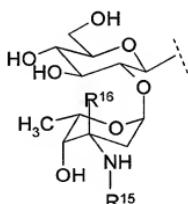
Please replace the paragraph on page 1, lines 4-8, with the following paragraph:

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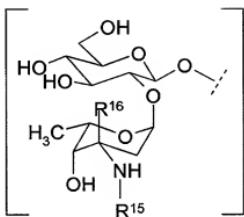
On page 11, after line 20, delete the formula:



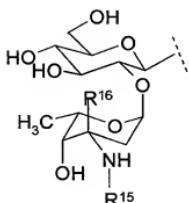
and insert in place thereof the formula:



On page 16, after line 3, delete the formula:



and insert in place thereof the formula:



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